IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.11854 of 1996

Dated: March 7, 2007

Between:

Tayada Charumathi, D/o. Prabhakar Raju,
Aged about 22 years, R/o. Salur Mandal,
Vizianagaram District.

… Petitioner

And

The District Collector, Vizianagaram District, and
Others.

… Respondents

Order:

Petitioner has filed this Writ Petition seeking Mandamus to declare the action of respondents 2 and 3 in not issuing caste certificate to her and a consequential direction to them to conduct enquiry and issue caste certificate to her.

2. Heard learned counsel for the petitioner and learned Government Pleader for Revenue appearing on behalf of the

respondents.

3. Petitioner, who completed her Intermediate, claims that she belongs to 'Mookadora', which is a notified Scheduled Tribe and that the same has also been recorded in the Transfer Certificate and school records. Pursuant to the notification issued by the first respondent inviting applications for the post of Junior Assistant, petitioner has applied for the same. It is stated that she was qualified in the written examination and was called for interview, on which date, she was required to produce necessary certificates, including caste certificate issued by the Mandal Revenue Officer concerned.

4. The case of the petitioner is that after receiving call letter, she approached respondents 2 and 3 to issue caste certificate to her. She relies on a suit filed by her brother and 17 others in O.S.No.41 of 1989 on the file of the Subordinate Judge, Bobbili for a declaration that they belong to 'Mookadara' caste, which was decreed in the favour of the aforesaid persons on 03-02-1994.

5. Even though the Writ Petition is of 1996, no counter affidavit has been filed by respondents.

6. Though petitioner states that she has approached the competent authority, i.e. the Mandal Revenue Officer, seeking issuance of caste certificate, no details whatsoever, i.e. the date of application and a copy thereof, have been filed by her. It is to be seen, now, after the advent of the A.P. (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of issue of Community Certificates Act, 1993 ('the Act' for brevity) and the rules made thereunder, a candidate seeking issuance of caste certificate has to make an application to the competent authority, i.e. the Mandal Revenue Officer

concerned in the proforma prescribed. In the absence of such an application being filed, no direction can be given to the respondents, straightaway, to issue caste certificate to the petitioner.

7. In these circumstances, I dispose of the Writ Petition keeping it open to the petitioner to file an application before the second respondent seeking caste certificate in the proforma prescribed under the Act and the rules made thereunder along with necessary material. If any such application is received, the second respondent, Mandal Revenue Officer, Salur Mandal, Vizianagarm District, shall consider the same and pass appropriate orders as per the provisions of the Act and the rules made thereunder. No costs.

_____

JUSTICE R. SUBHASH REDDY.

March 7, 2007
MRR